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RUEHFR/AMEMBASSY PARIS PRIORITY 1529
RUEHRH/AMEMBASSY RIYADH PRIORITY 6635
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C O N F I D E N T I A L SECTION 01 OF 03 JEDDAH 000460

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E.O. 12958: DECL: 07/05/2031

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SUBJECT: SAUDI LAWYER CASTS DIM HOPE FOR REFORM

REF: JEDDAH 454

Classified By: Consul General Tatiana Gfoeller for reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: ConGenOffs met with a prominent Saudi lawyer who cast a very dim light on social reforms underway in the Kingdom. He explained that multi-level resistance to reform, including opposition from within the King's inner circle, insufficient public infrastructure, and general attitudes that do not respect women's rights, will undercut change for the foreseeable future. He expressed concern that the US image in Saudi Arabia continues to decline but, at the same time, noted that US companies are valued in the Kingdom. He then explained the process for handling a corporate or economic dispute by way of the Saudi court system and noted that, regardless of bilateral political strains, US companies generally receive fair protection, especially in cases brought before the Board of Grievances. END SUMMARY

¶2. (U) On June 26, ConGenOffs met with Dr. Mujahid M. Al-Sawwaf, an attorney who owns his own law firm in Jeddah. Throughout the conversation, Al-Sawwaf shared his earnest views of the state of reform, the Saudi legal system, and the steady decline in support and image that the United States has in the Kingdom. One particularly striking remark was when he said that his "dream to make Saudi like the United States is collapsing."

MULTIPLE HURDLES WILL KEEP REFORM ONLY SKIN DEEP

¶3. (C) Al-Sawwaf began by very frankly asking if ConGenOffs wanted to hear the "official" story or the "truth" about Saudi Arabia. He said that although some government officials claim that reform is underway, those changes are only on the surface and not happening at lower levels. Al-Sawwaf said that he knows King Abdullah personally and described him as a "genuine guy" who is "surrounded by crooks." (NOTE: Al-Sawwaf's family has had a long association with the royal family. His father was an advisor to King Faisal and hanging in Al-Sawwaf's office is a large photo of his father seated next to the former ruler.) Al-Sawwaf said that the King does seem to want reform and to open up Saudi Arabia, but that the King's inner circle does not share that view. He suggested that no matter how reform-minded the King is, changes will be hampered by the resistance from other senior officials.

¶4. (U) Al-Sawwaf described basic Saudi society as a second major barrier to reform. He said that because Saudi culture does not respect women's rights, the push for reform is making governing very difficult for King Abdullah. He added that the country's lack of infrastructure and insufficient ways for men and women to work together also weaken the chances for reform, as costs associated with changing physical spaces will only further strengthen resistant attitudes. (NOTE: Saudi Arabia still has a very segregated society where men and women generally do not mix freely. They use separate entrances for many things, including restaurants, and in offices and stores where only women are permitted, protections such as frosted glass and walled off areas are used to keep them from being seen from outside. END NOTE)

¶5. (SBU) Al-Sawwaf said that the King's situation is getting worse as Washington presses for changes that the country as a whole is not prepared for. He then added that Osama Bin Laden is "the most popular guy in Saudi" because people think he represents a preservation of Islam rather than a submission to the West. Al-Sawwaf also said that Al Qaeda is doing a better job of transmitting its message in a way that Arabs can relate to and that the dollars being used to fund the Al Hurrah television channel are being wasted because "no one watches it." He suggested that rather than continue public diplomacy efforts that are "failures" it would be better to work on ways to allow more Saudis to mix with Americans.

US IMAGE DECLINING

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¶6. (C) Al-Sawwaf said that he is concerned about the steady decline of the US image in Saudi Arabia. Noting that he thinks there is some sort of coordinated effort to shape public opinion against the US, he shared that shortly after the death of Al-Qaeda's Abu Musab al-Zarqawi many well-to-do Saudi citizens received an email that said the "US version (of Zarqawi's activities) was wrong." He stressed that the email was from an anonymous source and that he and all of his friends and colleagues had received the same message. (NOTE: PolOff observed that Al-Sawwaf appeared very uneasy during this discussion and seemed to be implying that the message came from some sort of quasi-official source, although when asked, he would not name any particular individual or group. END NOTE) He added that he knew of 75 wakes that were held in the Kingdom to honor Al-Zarqawi's death.

¶7. (SBU) Al-Sawwaf added that difficulties in getting US visas and then passing through immigration into and out of US airports are only aggravating Saudi views of the United States. He said that he owns a house in New Jersey and that his family had spent summers there for many years. This year, however, is the first time that they did not travel to New Jersey because they did not want to deal with immigration problems. Al-Sawwaf said he thinks that the less time that even moderate Saudis can spend in the US, the poorer the bilateral relationship will be.

FOREIGN COMPANIES CAN GET FAIR PROTECTION IN SAUDI LEGAL SYSTEM

¶8. (SBU) Al-Sawwaf's law firm deals primarily with international trade cases and often represents US companies in the Saudi courts. He said that "no one wants to lose US companies" and noted that even though Saudi Arabia uses Islamic economics, US companies and their agents in the Kingdom use the same contracts that would be drawn up in a Western system.

¶9. (SBU) Al-Sawwaf then explained that Saudi Arabia has three legal bodies who can rule on corporate complaints. The first is a set of arbitrators who can rule on a variety of

cases but who Al-Sawwaf described as highly corrupt. The second are the "sharia" courts that use traditional religious law to rule on primarily land-rights cases. The third system is a Board of Grievances that Al-Sawwaf described as having more educated judges and being very fair in their rulings. He said that the Board of Grievances operates in accordance with Islamic law because they do not award interest, and they make rulings based solely on damages that can be measured, often using the receipts from actual expenses in order to calculate their findings. He then admitted that the Board of Grievances is the group to whom he most often directs his clients, because it costs less than a US court but still provides a fair result.

¶10. (SBU) Al-Sawwaf described Saudi Arabia's use of agents to represent foreign companies as an extension of the Kingdom's tribal roots. He said that Saudi agents serve as a form of "protection" for companies, like Bedouins have protectors within their tribes. He noted that agency agreements usually run for approximately 2-3 years. Al-Sawwaf also shared that he generally encourages his foreign clients who have a grievance against their agent to pursue the claim in Saudi courts because the company will almost always win.

UNLIKELY CHANGE IN SAUDI LEGAL SYSTEM

¶11. (U) Al-Sawwaf expressed an especially dim view of the chances for reforming the broader Saudi legal system. He said that judges in the Kingdom are becoming more conservative and that press reports suggesting rapid change are inaccurate. He also was skeptical that women will be allowed to be full-fledged lawyers and judges in the near future, noting that the Hanbali school of Islamic thought, which is dominant in Saudi Arabia, does not allow women judges and will prohibit them from ever being equal to men in the courts. (reftel)

BIO NOTE:

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¶12. (U) Al-Sawwaf studied law at Oxford in the 1970s. He speaks excellent English and said that his daughter, who is an American citizen, even developed a New York accent from spending summers in the United States. He was a guest professor at Harvard in the late 1970s. He said that he also taught at Baghdad University prior to the rule of Saddam Hussein and that several members of his extended family have been killed in Iraq during the current war.
Gfoeller